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15  
16 UNITED STATES DISTRICT COURT  
17 FOR THE CENTRAL DISTRICT OF CALIFORNIA

18 BLACKBERRY LIMITED,  
19 a Canadian corporation,

20 Plaintiff,

21 v.

22 TWITTER, INC.,  
23 a Delaware corporation,

24 Defendant.

Case No. 2:19-cv-01444-GW-KS

**JOINT STIPULATION AND  
REQUEST TO STAY  
PROCEEDINGS**

1 WHEREAS, on June 4, 2019, Plaintiff BlackBerry Limited (“Blackberry”)  
2 filed a First Amended Complaint, Docket No. 36;

3 WHEREAS, on June 25, 2019, Defendant Twitter, Inc. (“Twitter”) filed a  
4 Motion to Dismiss the First Amended Complaint, Docket No. 39;

5 WHEREAS, on October 2, 2019, the Court entered a Final Ruling on Twitter’s  
6 Motion to Dismiss, Docket No. 51, dismissing BlackBerry’s claims related to U.S.  
7 Patent Nos. 8,676,929 (Count I), 8,296,351 (Count II), 8,572,182 (Count VI), and  
8 8,825,777 (Count VII);

9 WHEREAS, on October 31, 2019, Twitter filed its Answer and Counterclaims  
10 with respect to BlackBerry’s claims related to U.S. Patent Nos. 9,349,120, 9,021,059,  
11 and 8,286,089, Docket No. 54, while BlackBerry filed a Notice of Voluntary  
12 Dismissal of BlackBerry’s claims related to the same three patents under Fed. R. Civ.  
13 P. 41(a)(1), Docket No. 55, and these filings may raise legal issues that could require  
14 Court resolution absent agreement by the parties;

15 WHEREAS, the parties agree that there has been no final judgment under Rule  
16 58(a) of the Federal Rules of Civil Procedure, and that the 30-day time period to file  
17 a notice of appeal will commence only upon entry of such a final judgment;

18 WHEREAS, the parties have commenced settlement discussions in an attempt  
19 to resolve this and any other potential action involving assertion of patent rights  
20 between the parties, and are in mutual agreement that a stay of these proceedings  
21 would be beneficial while the parties engage in these discussions;

22 WHEREAS, the parties therefore have agreed to a stay of these proceedings  
23 and any new action involving assertion of patent rights against each other, effective  
24 as of the filing date of this stipulation and continuing through January 6, 2020 (the  
25 “Standstill Period”).

26 It is hereby STIPULATED and AGREED by and between the parties that:

27 1. All proceedings in this action are stayed and all deadlines, including  
28 deadlines arising under the Federal Rules of Civil Procedure and Federal Rules of

1 Appellate Procedure, either have not triggered or, if they have been triggered, are  
2 tolled for the Standstill Period;

3       2.     During this Standstill Period, neither party will make further filings with  
4 the Court (apart from a motion to modify the Court's Order on the Joint Stipulation  
5 and Request to Stay Proceedings) in this action or initiate any new action involving  
6 assertion of patent rights against each other;

7       3.     The parties request that, apart from entering an Order on this Joint  
8 Stipulation and Request to Stay Proceedings, the Court take no further action as to  
9 any issues pending before or during the Standstill Period, and that it defer entering a  
10 final judgment; and

11       4.     After the expiration of this Standstill Period, the parties may pursue any  
12 and all rights and remedies available under the law in this or any other potential action  
13 between the parties; and for the avoidance of any doubt, the parties expressly reserve  
14 all rights and remedies, and expressly agree to no waiver of any deadlines.

15       **IT IS SO STIPULATED.**  
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1 Dated: November 11, 2019

Respectfully Submitted,

2 By /s/ James R. Asperger

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1 Dated: November 11, 2019

Respectfully Submitted,

2 By /s/ Grace W. Kang

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**ATTESTATION**

Pursuant to Civil Local Rule 5-4.3.4(a)(2)(i), I, James R. Asperger, attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: November 11, 2019

By /s/ James R. Asperger

James R. Asperger